

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-vs-

NOTICE OF MOTION

05-CR-6116-CJS

VIOLETTE GAIL ELDRIDGE
a/k/a GAIL VIOLETTE ELDRIDGE,
MELVIN RAY LYTTLE
PAUL E. KNIGHT,
and JOHN L. MONTANA, JR.

, Defendants

PLEASE TAKE NOTICE, that upon the Affidavit of MAURICE J. VERRILLO, ESQ., attorney for Violet Gail Eldridge here after referred to as (“**Mrs. Eldridge**”), and upon all prior papers and proceedings had herein, the defendant will move this Court, before the Hon. Charles J. Siragusa, at the United States Courthouse of the Western District of New York, 100 State Street, Rochester, New York, 14614, on March 23, 2007 at 10:30 am or as soon thereafter as counsel may be heard, for an order pursuant to the following requests for relief:

1. Severing the trial of Mrs. Eldridge from the trial of the other named defendants pursuant to the Federal Rules of Criminal Procedure 8, 12, and 14.
2. Granting dismissal for improper venue or alternatively, granting a change of venue due to inconvenience of the defendant and in the interest of justice pursuant to the Federal Rules of Criminal Procedure 21(b).
3. Granting dismissal based upon issue and/or claims preclusion arising from the Decision of U.S. District Court Judge Sarah Evans Barker in the Southern of District of Indiana dismissing the defendant Gail Eldridge as a party to the SEC proceedings in that court.
4. Allowing limited discovery concerning certain aspects of the Grand Jury proceedings.
5. Granting the dismissal of the Indictment based upon a lack of proper instructions before the Grand Jury.

MAURICE J. VERRILLO
ATTORNEY AT LAW

ONE EAST MAIN STREET
SUITE 711
ROCHESTER, NY 14614

TEL: (585) 232-2640

6. Granting the dismissal of the Indictment based upon voting irregularities of the Grand Jury and presentation of evidence.
7. Granting the dismissal of the Indictment based upon defects on the face of the indictment and for insufficiency.
8. Granting the dismissal of the indictment due to violation of the statute of limitations set forth in 18 U.S.C. 3282 or in the alternative, that a hearing be held to determine the propriety and legality of the tolling order and sealing of the indictment pursuant to 18 U.S.C. 3292.
9. Granting the suppression of statements of Mrs. Eldridge to be offered by the Government at the time of trial, or in the alternative, a hearing as to the admissibility of any statements.
10. Granting the suppression of any Title III Intercepts;
11. Granting the suppression of all evidence seized pursuant to search warrant(s).
12. Granting disclosure of the informant(s) identity and other relevant information.
13. Granting disclosure of witness statements pursuant to 18 U.S.C. 3500.
14. Granting a motion in limine pursuant to Federal Rules of Evidence 403,404, 607,608, and 609 and in the alternative, for a full testimonial hearing well in advance of trial.
15. Granting disclosure of all Brady, Agurs, and Giglio materials.
16. Granting discovery and inspection pursuant to Federal Rules of Criminal Procedure 16.
17. Granting bill of particulars pursuant to Federal Rule of Criminal Procedure 7(f).
18. Granting the issuance of subpoena duces tecums upon Donaldsen, Lusken, and Jenrette and upon its former employee, Bill Marvin, for certain records necessary to the defense of this action, and upon application, for the issuance of a subpoena requiring testimony

MAURICE J. VERRILLO
ATTORNEY AT LAW

ONE EAST MAIN STREET
SUITE 711
ROCHESTER, NY 14614

TEL.: (585) 232-2640

prior to the trial of this action in accordance with Federal Rules of Criminal Procedure 15 and 17(a)-(c).

19. Reserving the right to future applications and requests for relief.

WHEREFORE, Mrs. Eldridge respectfully requests that her omnibus motion be granted in its entirety along with such other and further relief as may be just and proper.

Dated: February 20, 2007

Yours etc.,
/s/ Maurice Verrillo

MAURICE J. VERRILLO, ESQ.
Attorney for Violet Gail Eldridge, Defendant
One East Main Street, Suite 711
Rochester, NY 14614
(585) 232-2640

To: Clerk, United States District Court
Western District of New York
William Bowne, AUSA

James Vacca, Esq.
Christopher Ciaccio, Esq.
Mark Hosken, Esq.

MAURICE J. VERRILLO
ATTORNEY AT LAW

ONE EAST MAIN STREET
SUITE 711
ROCHESTER, NY 14614

TEL: (585) 232-2640